

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

LEON STAMBLER,

Plaintiff,

V.

JPMORGAN CHASE & CO.; JPMORGAN CHASE BANK, NATIONAL ASSOCIATION; BANK OF AMERICA CORPORATION; BANK OF AMERICA, NATIONAL ASSOCIATION; CITIGROUP INC.; CITIBANK, N.A.; UBS FINANCIAL SERVICES INC.; WACHOVIA CORPORATION; WACHOVIA BANK, NATIONAL ASSOCIATION; WELLS FARGO & COMPANY; WELLS FARGO BANK, NATIONAL ASSOCIATION; BANCORPSOUTH, INC.; BANCORPSOUTH BANK; BOK FINANCIAL CORPORATION; COMERICA INCORPORATED; COMERICA BANK; COMPASS BANCSHARES, INC.; COMPASS BANK; FIRST HORIZON NATIONAL CORPORATION; FIRST TENNESSEE BANK NATIONAL ASSOCIATION; FIRST TENNESSEE NATIONAL CORPORATION; CULLEN/FROST BANKERS, INC.; THE FROST NATIONAL BANK; GUARANTY FINANCIAL GROUP INC.; GUARANTY BANK; PLAINS CAPITAL CORPORATION; PLAINSCAPITAL BANK; REGIONS FINANCIAL CORPORATION; and REGIONS BANK,

Defendants.

CIVIL ACTION NO. 2:08-cv-204

## JURY TRIAL DEMANDED

**PLAINTIFF'S ORIGINAL COMPLAINT**

Plaintiff LEON STAMBLER files this Original Complaint against the above-named Defendants, alleging as follows:

**I. THE PARTIES**

1. Plaintiff LEON STAMBLER (“Stambler”) is a citizen of the State of Florida. Stambler resides in Parkland, Florida.

2. JPMORGAN CHASE & CO. is a Delaware corporation with its principal place of business at 270 Park Avenue, 39th Floor, New York, New York 10017. This Defendant does business in the State of Texas and in the Eastern District of Texas through its Retail Financial Services operating segment and through its websites, including but not limited to [www.chase.com](http://www.chase.com). This Defendant can be served with process through its registered agent, CT Corporation System, 111 Eighth Avenue, 13th Floor, New York, New York 10017.

3. JPMORGAN CHASE BANK, NATIONAL ASSOCIATION is a banking subsidiary of Defendant JPMorgan Chase & Co. with its principal place of business at 270 Park Avenue, New York, New York 10017. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

4. BANK OF AMERICA CORPORATION is a Delaware corporation with its principal place of business at Bank of America Center, 401 North Tryon Street, Charlotte, North Carolina 28255. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201. Upon information and belief, Bank of America Corp. owns and operates the website [www.bankofamerica.com](http://www.bankofamerica.com).

5. BANK OF AMERICA, NATIONAL ASSOCIATION is a banking subsidiary of Defendant Bank of America Corporation with its principal place of business at 100 North Tryon Street, Charlotte, North Carolina 28255. This Defendant does business in the State of Texas and

in the Eastern District of Texas and can be served with process through its registered agent, CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

6. CITIGROUP INC. is a Delaware corporation with its principal place of business at 399 Park Avenue, New York, New York 10022. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, CT Corporation System, 111 Eighth Avenue, 13th Floor, New York, New York 10011.

7. CITIBANK, N.A. is a banking subsidiary of Defendant Citigroup Inc. with its principal place of business at 399 Park Avenue, New York, New York 10022. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its President, Chief Executive Officer, and Director, William R. Rhodes, 399 Park Avenue, New York, New York 10022. Citibank, N.A. owns and operates the website [www.citibank.com](http://www.citibank.com).

8. UBS FINANCIAL SERVICES INC. is a Delaware corporation with its principal place of business at 800 Harbor Boulevard, Weehawken, New Jersey 07086. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, Lawyers Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

9. WACHOVIA CORPORATION is a North Carolina corporation with its principal place of business at One Wachovia Center, 301 South College Street, Charlotte, North Carolina 28288. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, Corporation Service Company, 327 Hillsborough Street, Raleigh, North Carolina 27603. Wachovia Corporation owns and operates the website [www.wachovia.com](http://www.wachovia.com).

10. WACHOVIA BANK, NATIONAL ASSOCIATION is banking subsidiary of Defendant Wachovia Corporation with its principal place of business at 301 South Tryon Street, Charlotte, North Carolina 28288. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, Corporation Service Company, 701 Brazos Street, Suite 1050, Austin Texas 78701.

11. WELLS FARGO & COMPANY is a Delaware corporation with its principal place of business at 420 Montgomery Street, San Francisco, California 94104. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, Lawyers Incorporating Service, 2730 Gateway Oaks Drive, Suite 100, Sacramento, California 95833. Wells Fargo & Company owns and operates the website [www.wellsfargo.com](http://www.wellsfargo.com).

12. WELLS FARGO BANK, NATIONAL ASSOCIATION is a banking subsidiary of Defendant Wells Fargo & Co. with its principal place of business at 420 Montgomery Street, San Francisco, California 94104. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, Lawyers Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

13. BANCORPSOUTH, INC. is a Mississippi corporation with its principal place of business at One Mississippi Plaza, 201 South Spring Street, Tupelo, Mississippi 38804. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, Cathy S. Freeman, One Mississippi Plaza, 201 South Spring Street, Tupelo, Mississippi 38804.

14. BANCORPSOUTH BANK is a banking subsidiary of Defendant BancorpSouth, Inc. with its principal place of business at One Mississippi Plaza, 201 South Spring Street, Tupelo, Mississippi 38804. This Defendant does business in the State of Texas and in the

Eastern District of Texas and can be served with process through its registered agent, CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201. BancorpSouth Bank owns and operates the website [www.bancorpsouthonline.com](http://www.bancorpsouthonline.com).

15. BOK FINANCIAL CORPORATION is an Oklahoma corporation with its principal place of business at Bank of Oklahoma Tower, P.O. Box 2300, Tulsa, Oklahoma 74192. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, Frederic Dorwart, 124 East 4th Street, Tulsa, Oklahoma 74103. BOK Financial Corporation owns and operates the website [www.bankoftexas.com](http://www.bankoftexas.com).

16. COMERICA INCORPORATED is a Delaware corporation with its principal place of business at Comerica Bank Tower, 1717 Main Street, Dallas, Texas 75201. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201. Upon information and belief, Comerica Incorporated owns and operates the website [www.comerica.com](http://www.comerica.com).

17. COMERICA BANK is a banking subsidiary of Defendant Comerica Incorporated with its principal place of business at Comerica Bank Tower, 1717 Main Street, Dallas, Texas 75201. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

18. COMPASS BANCSHARES, INC. is a Delaware corporation with its principal place of business at 701 South 20th Street, Birmingham, Alabama 35233. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, Jerry Powell, 15 South 20th Street, Birmingham, Alabama 35233.

19. COMPASS BANK is a banking subsidiary of Defendant Compass Bancshares, Inc. with its principal place of business at 15 South 20th Street, Birmingham, Alabama 35233. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201. Compass Bank owns and operates the website [www.compassbank.com](http://www.compassbank.com).

20. FIRST HORIZON NATIONAL CORPORATION is a Tennessee corporation with its principal place of business at 165 Madison Avenue, Memphis, Tennessee 38103. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, Clyde A. Billings, Jr., 165 Madison Avenue, Memphis, Tennessee 38103.

21. FIRST TENNESSEE BANK NATIONAL ASSOCIATION is banking subsidiary of Defendant First Horizon National Corporation with its principal place of business at 4385 Poplar, Memphis, Tennessee 38117. This Defendant does business in the State of Texas and in the Eastern District of Texas through, at least, its First Horizon Bank division. This Defendant can be served with process through its registered agent, Dennis Gillespie, 4385 Poplar, Memphis, Tennessee 38117.

22. FIRST TENNESSEE NATIONAL CORPORATION is a Tennessee corporation with its principal place of business at 165 Madison Avenue, Memphis, Tennessee 38103. This Defendant does business in the State of Texas and in the Eastern District of Texas through, at least, one or more websites, including but not limited to [www.firsthorizon.com](http://www.firsthorizon.com). This Defendant can be served with process through its registered agent, Clyde A. Billings, Jr., 165 Madison Avenue, Memphis, Tennessee 38103.

23. CULLEN/FROST BANKERS, INC. is a Texas corporation with its principal place of business at 100 West Houston Street, San Antonio, Texas 78205. This Defendant does business in the State of Texas and, upon information and belief, in the Eastern District of Texas and can be served with process through its registered agent, Stan McCormick, 100 West Houston Street, San Antonio, Texas 78205.

24. THE FROST NATIONAL BANK is a banking subsidiary of Defendant Cullen/Frost Bankers, Inc. with its principal place of business at 100 West Houston Street, San Antonio, Texas 78205. This Defendant does business in the State of Texas and, upon information and belief, in the Eastern District of Texas and can be served with process through its President and Director, Pat Frost, 100 West Houston Street, San Antonio, Texas 78205. This Defendant owns and operates the website [www.frostbank.com](http://www.frostbank.com).

25. GUARANTY FINANCIAL GROUP, INC. is a Delaware corporation with its principal place of business at 1300 South Mopac Expressway, Floor 3N, Austin, Texas 78746. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, Lawyers Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

26. GUARANTY BANK is a banking subsidiary of Defendant Guaranty Financial Group, Inc. with its principal place of business at 1300 South Mopac Expressway, Austin, Texas 78746. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, Lawyers Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701. This Defendant owns and operates the website [www.guarantybank.com](http://www.guarantybank.com).

27. PLAINS CAPITAL CORPORATION is a Texas corporation with its principal place of business at 5010 University Avenue, Lubbock, Texas 79413. This Defendant does

business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, Scott J. Luedke, 2911 Turtle Creek Boulevard, Dallas, Texas 75219.

28. PLAINSCAPITAL BANK is a banking subsidiary of Defendant Plains Capital Corporation with its principal place of business at 5010 University Avenue, Lubbock, Texas 79413. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, Scott J. Luedke, 2911 Turtle Creek Boulevard, Dallas, Texas 75219. This Defendant owns and operates the website [www.plainscapital.com](http://www.plainscapital.com).

29. REGIONS FINANCIAL CORPORATION is a Delaware corporation with its principal place of business at 1900 Fifth Avenue North, Birmingham, Alabama 35203. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, Lawyers Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701. This Defendant owns and operates the website [www.regions.com](http://www.regions.com).

30. REGIONS BANK is a banking subsidiary of Defendant Regions Financial Corporation with its principal place of business at 417 North 20th Street, Suite 1200, Birmingham, Alabama 35203. This Defendant does business in the State of Texas and in the Eastern District of Texas and can be served with process through its registered agent, Lawyers Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

## **II. JURISDICTION AND VENUE**

31. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction of the action under Title 28 U.S.C. §1331 and §1338(a).



32. The Court has general and specific personal jurisdiction over each Defendant, and venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b). Each Defendant has substantial contacts with the forum as a result of business conducted within the State of Texas and within this District. Specifically, each Defendant maintains a physical presence within this District, including at least one banking location, and/or conducts business with customers residing in this District through its interactive website(s), which website(s) provide secure online banking services. Additionally each Defendant has committed and continues to commit acts of patent infringement in this State and this District by operating a system for providing secure online banking, including online bill pay and other funds transfer services, to consumers in Texas and, particularly, the Eastern District.

### **III. PATENT INFRINGEMENT**

33. On August 11, 1998, United States Patent No. 5,793,302 (“the ‘302 patent”) was duly and legally issued for a “Method for Securing Information Relevant to a Transaction.” A true and correct copy of the ‘302 patent is attached hereto as Exhibit “A.” Stambler is the inventor and owner of all rights, title, and interest in and to the ‘302 patent and possesses all rights of recovery under it.

34. Defendants have infringed and continue to infringe, directly, contributorily, and/or through the inducement of others, the ‘302 patent by provision of their respective secure online banking services, including but not limited to online bill pay and other secure funds transfer services, in accordance with the claimed methods.

35. Stambler has been damaged as a result of Defendants’ infringing conduct. Defendants are, thus, liable to Stambler in an amount that adequately compensates him for their infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

36. Upon information and belief, Defendants are aware of the '302 patent, have knowledge of the infringing nature of their activities, have nevertheless continued their infringing activities, and their infringing activities have been and continue to be willful. Specifically, the Chase, Bank of America, Citi, Wachovia, Wells Fargo, and Regions Defendants were previously provided written notice of the '302 patent.

37. Each Defendant's infringements of Stambler's rights under the '302 patent will continue to damage Stambler, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

#### **IV. JURY DEMAND**

Stambler hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

#### **V. PRAYER FOR RELIEF**

Stambler requests that the Court find in his favor and against Defendants, and that the Court grant Stambler the following relief:

- a. Judgment that one or more claims of United States Patent No. 5,793,302 have been infringed, either literally and/or under the doctrine of equivalents, by one or more Defendants and/or by others to whose infringement Defendants have contributed and/or by others whose infringement has been induced by Defendants;
- b. Judgment that Defendants account for and pay to Stambler all damages to and costs incurred by Stambler because of Defendants' infringing activities and other conduct complained of herein;
- c. That Defendants' infringements be found to be willful from the time that Defendants became aware of the infringing nature of their respective products and services, which is the time of filing of Plaintiff's original Complaint at the latest, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- d. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendants from further acts of infringement;

- e. That Stambler be granted pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;
- f. That this Court declare this an exceptional case and award Stambler his reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and
- g. That Stambler be granted such other and further relief as the Court may deem just and proper under the circumstances.

**Dated: May 12, 2008.**

Respectfully submitted,



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